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07/769,986 09/30/91 VERCELLOTTI

L 56,294

EXAMINER

MULLEN, T

ART UNIT

PAPER NUMBER

2608

DATE MAILED:

01/06/93

WESTINGHOUSE ELECTRIC CORP.
CHURCHILL SITE - LAW DEPT.
INTELLECTUAL PROP. SECTION
PITTSBURGH, PA 15235

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 10-5-92 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 3 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> |

Part II SUMMARY OF ACTION

1. ☒ Claims 1 and 4-18 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☒ Claims 2-3 have been cancelled.
3. ☒ Claims 14-15 are allowed.
4. ☒ Claims 1, ~~and~~ 4-13 and 16-18 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☒ The proposed additional or substitute sheet(s) of drawings, filed on 10-5-92 has (have) been ☒ approved by the examiner. ☐ disapproved by the examiner (see explanation). — also approved by Draftsman.
11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved. ☐ disapproved (see explanation).
12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

Art Unit 2608

1. The amendment filed Oct. 5, 1992 has been fully considered. The proposed additional drawing sheet with Figs. 2-4 is approved.

2. The disclosure is objected to because of the following informalities: The "Brief Description of the Drawing" (page 7) should be amended to describe new figs. 2-4, and refer to "The Figure" as "Figure 1"; further, the "Description of the Preferred Embodiments" should include discussion of the new figures. Appropriate correction is required.

Note the content of applicant's amendment at page 9, lines 1-11.

3. Claims 1, 4-13 and 16-18 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 22, "tag" should be "tags". In claim 5, line 12, after "receiver" should be "means", and after "therein" should be a comma. In claim 5, line 22, "acknowledged" is misspelled.

In claim 8, lines 6-7 and claim 11, lines 4-5, "said means for processing said second interrogation signal" lacks antecedent basis.

In claims 10-11 and 16-17, "(means for) periodically detecting the presence/absence of an interrogation signal" is vague and indefinite, since it appears that any means capable of

Art Unit 2608

distinguishing signal presence from signal absence would inherently "detect" both states, i.e. it appears that such a means would detect whether a signal is present. Thus, the following changes are suggested:

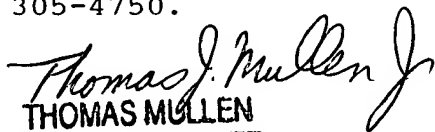
At the end of claim 10, change "the presence of an interrogation signal" to "whether an interrogation signal is present"; at claim 11, lines 6-7, same change; at the end of claim 16, change "an absence of an interrogation signal" to "whether an interrogation signal is present"; and cancel claim 17, since claim 16 if amended as above now recites detecting both presence and absence.

In claim 16, line 10, after "until" should be "only".

4. Claims 1, 4-13 and 16-18 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112.
5. Claims 14-15 are allowable over the prior art of record.
6. Because of the new rejections set forth which weren't necessitated by amendment, this office action is non-final.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Mullen whose telephone number is (703) 305-4382.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4750.

T.MULLEN:lfa
December 30, 1992


THOMAS MULLEN
PATENT EXAMINER
GROUP 2600